

BOARD OF POLICE COMMISSIONERS

Minutes of the Regular Board of Police Commissioners Meeting Thursday, April 3, 2003

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, April 3, 2003, at 3:00 p.m., at Police Headquarters, 1300 Beaubien – Rm. 328-A, Detroit, MI 48226.

ATTENDANCE

Board Members Present

Megan Norris
Willie E. Hampton
Arthur Blackwell, II
Erminia Ramirez
Edgar L. Vann, Jr. (**ABS**)

Department Personnel Present

Chief Jerry Oliver, Sr.
AC Walter E. Shoulders
AC Timothy Black
DC Ronald Haddad
Insp. Jamie Field
Insp. John O'Neill
Lt. Jeffery Romeo
Sgt. Debbie Jackson
Sgt. Cynthia Williams
Sgt. Shirley Berger
Sgt. Dale Greenleaf
PO Eric Jarmon
Civ. DC Pamela Evans
Civ. 3rd DC Tara Dunlap

Board Staff Present

Dante' L. Goss, Executive Director
Denise R. Hooks, Attorney/Supv. Investigator
Arnold Sheard, Interim Chief Investigator
E. Lynise Bryant-Weekes, Personnel Director

RECORDERS

Jerome Adams
Felicia Hardaway
Kellie Williams

OTHERS PRESENT

Ms. Walters
Ron Scott
Rick Jones
Phillip Craccioholio

Edith Payne
Brenda Malone
WWJ 950
Jacqueline Swain
Michael Payne
James Thompson

1. CALL TO ORDER

Chairperson Norris called the regular meeting of the Detroit Board of Police Commissioners to order at 3:22 p.m.

2. APPROVAL OF MINUTES

MOTION: Commissioner Norris made the motion to approve the Minutes of Thursday, March 27, 2003.

SECOND: Commissioner Hampton seconded the motion.

VOTE: All in attendance voted in the affirmative.

3. REPORT FROM THE CHAIR

Chairperson Norris stated that Comm. Vann is not here today because, he is being inducted into the Martin Luther King Board of Preachers at Morehouse College in Atlanta Georgia.

4. SECRETARY REPORT – EX. DIR. GOSS

Executive Director Goss read the following memorandum dated March 26, 2003:

To: Board of Police Commissioners

Subject: SUPENSION WITHOUT PAY OF POLICE OFFICER MARK ROLL, BADGE 1128, ASSIGNED TO THE GAMING ADMINISTRATION SECTION

On January 12, 2003, Police Officer Mark Roll, Badge 1128, assigned to the Gaming Administration Section, was involved in a physical altercation with a subject while at a bar in East Tawas, Michigan.

According to the information, Officer Roll's male friend was involved in a physical altercation. As his friend was being escorted out of the bar, Officer Roll allegedly punched the complainant. In addition, Officer Roll punched the glass of the front door causing it to shatter. Misdemeanor warrant #03-224FM was issued charging Officer Roll with "Malicious Destruction of Building - \$200 or More, but Less than \$1,000."

On March 24, 2003, Officer Roll was arraigned before the Honorable Magistrate Jennifer Huebel, of the 81st District Court, Tawas, Michigan. He was released on a \$5,000.00 personal bond.

Officer Roll is currently suspended with pay for "Assault and Battery/Domestic Violence," in which he was dismissed from the Detroit Police Department at a Chief's Hearing. He is currently appealing this decision. Additionally, on July 31, 2002, a Probationary Evaluation Board recommended that he be dismissed from the department due to poor work performance and attendance.

Based on the above circumstances, it is recommended that Officer Roll be charged with, but not limited to the following violation of the Detroit Police Department Rules and Regulations:

CHARGE: CONDUCT UNBECOMING AN OFFICER; CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS, THIS BEING IN VIOLATION OF GENERAL ORDER 72-17, SECTION K, SUBSECTION 65.

Due to the seriousness of the charge, I am requesting your concurrence with the suspension of Officer Roll without pay, effective March 27, 2003.

If you are in receipt of this memorandum, the Board of Police Commissioners approved this suspension. Therefore, Officer Roll is to be suspended without pay.

/s/JERRY A. OLIVER, SR.
Chief of Police

JAO:dj

Chairperson Norris stated this suspension was presented and read to us last week. Because we did not have a quorum and because of the unavailability of some of the attorneys, we scheduled oral arguments for today.

Atty. Goldpaugh stated we here to indicate...obviously it is our position that the suspension without pay of Officer Mark Roll under these circumstances contrary to all that has been going on in the past. All this is an attempt to implement the previous suspension with pay and to change it from suspension with pay to a

suspension without pay. There have been some changes, a lot of it implemented when an officer has been dismissed from the Detroit Police Department at a Chief's Hearing where that particularly officer is no longer working, so we have a number individuals who are out of their basic line of vacation.

Chairperson Norris asked of July 31st of last year there was a probationary evaluation done. She asked do I take it that this is a relatively new officer?

Atty. Goldpaugh stated yes, I am assuming that's what it is. It appears that Officer Roll, when he was in the academy or after he got out of the academy at the precinct where he was assigned during that period of time, they were not satisfied with his reduction.

Chairperson Norris asked what happens procedurally, if a probationary employee dismissal is recommended, does the employee still comes to work and appeals that?

Atty. Goldpaugh stated that is correct.

Chairperson Norris asked so if the employee comes to work and the employee is paid, but the employee goes through the grievance procedures to the ultimate end and it is either upheld or not and then they are either dismissed or not?

Atty. Goldpaugh stated that is correct.

Chairperson Norris asked during the probationary stage is it an at will standard or is it something else?

Atty. Goldpaugh stated it is still a just cause standard. It is a probationary evaluation proceeding, it is not totally a disciplinary proceeding.

Chairperson Norris stated I understand it is not a discipline issue, it is a work performance issue.

Atty. Goldpaugh stated so it is not a just cause standard either.

Chairperson Norris so that is going on and his dismissal is recommended, after that there is an assault and battery domestic violence matter and the Chief's Hearing recommends that he be terminated under the normal procedures, he then appeals all of that. But what the Chief is doing is saying that I don't want you coming to work after I fired you, but it does not meet the standard of a suspension without pay, but I am suspending you with pay while we jump through all of those hoops.

Atty. Goldpaugh stated while we give that officer his contractual rights.

Chairperson Norris stated then after that he has been recommended for dismissal for performance and after he has been recommended for dismissal at a Chief's Hearing after that, we have the January 12th incident?

Atty. Goldpaugh stated that's what this document appears to say.

Chairperson Norris asked as far as you know that is accurate?

Atty. Goldpaugh stated yes, accept that the underlined misconduct that led to the dismissal for the domestic violence case occurred while he was still a probationary officer, but for some reason that was not included in the probation evaluation hearing.

Chairperson Norris stated your argument was basically that they are trying to turn a suspension without pay to a suspension, but it is not the Department's fault that he got involved in another incident.

Atty. Goldpaugh stated what they are attempting to do by doing this is finding this officer, in other words, they are not going to punish before he has been found guilty of anything, that's why I am saying their turning the suspension...

Chairperson Norris asked when the Department is evaluating this level of conduct, what rises to the level, such that it can be a suspension without pay, can the Department take cumulative conduct or could it go incident by incident?

Atty. Goldpaugh stated I would suggest that in this point of time, because of the circumstances what we are looking at is that one act of misconduct. I bring that to your attention because of the status, which the Chief has said that, we don't want to have these people on the job working as police officers. This incident allegedly occurred on January 12, 2003. On January 12, 2003, Officer Mark Roll was, based on these documents in a suspended with pay status, I believe. Nothing has occurred between January 12, 2003 and today or when he was arraigned would have added any difference to his alleged misconduct, expect that he now has a misdemeanor warrant.

Chairperson Norris stated right, there was an arraignment.

Atty. Goldpaugh stated correct. That being the case we have a situation where, if this warranted some sort of a suspension, in other words, let's punish him before he is found guilty of anything by suspending him without pay. There is nothing that occurred that should have been brought to your attention back in January. Secondly, in regards to the cumulative, we have to look to see what that type of misconduct or this conduct reaches. In the **Star** matter there was a situation where there was an accumulation of four (4) allocations of misconduct and nothing ever occurred until they went to the suspension. In that case the argument was well, we are not taking this altogether because no you can't do this

at this point in time. I would suggest that you look at each one as a misdemeanor.

Chairperson Norris stated the department has taken action with each one. She asked when we get to the third one, can the Department say that this is the third one or do we just look at it as if it is all on its own?

Atty. Goldpaugh stated since the Department has taken action and addressed them accordingly, the fact that this has occurred and he is innocent until proven guilty does not raises us to that level.

Comm. Blackwell, II asked exactly what is in front of us?

Chairperson Norris stated whether this officer could be suspended without pay at this stage or whether we concur or don't concur in that suspension.

Comm. Blackwell, II stated I didn't know that we concurred in suspensions without pay. I thought we just don't contravene.

Chairperson Norris stated we don't contravene.

Comm. Blackwell, II asked is there a difference?

Chairperson Norris stated yes.

Comm. Blackwell, II asked what is in front of us?

Chairperson Norris stated whether we are going to contravene or not.

Comm. Blackwell, II stated that isn't how it was written, so that's why it is confusing. We don't ever concur on suspensions without pay.

Chairperson Norris stated the last sentence says unless contravened it will stand.

Comm. Blackwell, II stated let's just stick to our standard way of doing things.

Chairperson Norris stated I did not write these lines.

Comm. Blackwell, II stated when it is a suspension without pay our only activity is that we have to speak up to contravene, but other than that we go to the next item. He asked what are you all taking about? Did it have anything to do with what was in front of us?

Chairperson Norris stated absolutely.

Comm. Blackwell, II asked is there some additional action other than not contravening that you want us to consider?

Chairperson Norris stated no.

Atty. Goldpaugh stated I am asking you not to concur.

Chairperson Norris stated the only action is whether we contravene or not.

Comm. Blackwell, II asked is he asking us not to contravene?

Chairperson Norris stated he wants us to contravene.

Comm. Blackwell, II stated I mean to contravene.

Atty. Goldpaugh stated I don't want you to suspend him without pay.

Chairperson Norris stated he wants us to contravene.

Comm. Blackwell, II asked because there is no issue to concur?

Chairperson Norris stated that is correct.

Atty. Nancy Ninowski stated she is appearing on behalf of the Detroit Police Department. What you have before you, Officer Roll's suspension and the Department's petition to amend Officer Roll's duty status to a suspension without pay. Based on an incident that occurred on January 12, 2003, at a bar in Tawas Michigan. Internal Affairs was advised of the matter on January 20, 2003. I think the facts as Director Goss has stated are very important. It is the Department's position that Officer Roll's duty status should be suspended without pay because the conduct that engaged in on January 12, 2003, is egregious. It is egregious because it conflicted with his role as a police officer. He is charged with protecting the health, safety and welfare of the citizens and he failed to do that on this date.

If you look at the **Poullard** arbitration decision, you could look at his conduct in terms of the impact it has on the Department and the Department's reputation and also the officers' ability to function within the Department. I think those are two pivotal points because the Department has no trust in him that we could send him out. The citizens of this community in order for the Department to operate efficiently we need to have that trust and that confidence.

With respect to his current duty status, he is suspended with pay based on a decision that was imposed at a Chief's hearing in February of this year. There is nothing that prevents us from coming to you today to ask you to suspend that duty status without pay. I think the Charter gives us this that right. Certainly the

Collective Bargaining Agreement gives us that right. So the Department would respectfully request that you not contravene and that you uphold the suspension without pay.

Comm. Blackwell, II asked to this date, I don't remember ever switching a suspension with pay, which we have nothing to do with, from considering a suspension without pay, that we would have to contravene it, in order to change it.

Chairperson Norris stated correct.

Comm. Blackwell, II stated I can't remember an example of this.

Chairperson Norris stated the effect would be to do just what you said, but I don't think that we are being asked to switch a suspension with pay to a suspension without pay. There is a new incident, we are being asked whether or not if we are going to contravene a suspension without pay on that incident.

Comm. Blackwell, II asked the issue with being suspending with pay has absolutely nothing to do with the action that is in front of us today?

Chairperson Norris stated the question is are we arguing an accumulative effect or are you just asking us to look at this incident?

Atty. Ninowski stated I am asking you to look at this incident. I am saying that the current duty status has no bearing on this case. This is a new incident that came forward. We learned about this incident on January 20, 2003 and brought this petition before you.

Comm. Blackwell, II asked was he suspended with pay?

Chairperson Norris stated yes, for an assault and battery domestic violence charge.

Comm. Blackwell, II stated so the issue this an addition to that, so if the Chief thinks it warrants it, he could make the decision that this is enough to take what ever he has agreed to do because that was in a Chief's hearing. He asked is that correct?

Chairperson Norris stated correct. In the Chief's hearing the Chief voted to fire him, but procedurally if he is not suspended without pay, he stays working while he goes through his grievance procedures, exercises and his contractually provided rights. The Chief said for the assault and battery incident that the officer should be fired, but that hasn't gone through the process.

Comm. Blackwell, II stated the issue is, if I was trying to take a position to fire

somebody or to get them to a position where they would not be paid, then certainly going from a position right now where they are suspended with pay, if that is against what I even wanted. Then now I am able to come and bring a position where now I could take this guy that I did not want in the first place and take the pay away. He asked is that something in terms of the contractual issues that we should be concerned about? What I am saying if you had your way initially, he would never had continued in the first place. The issue is he got into a position where he was suspended, but he got his money. But now the position is the Chief is being able to come back on this same individual and there is an additional incident. It also has the effect of taken what you really wanted to happen in this first place and that is for this guy not to get any money and actually have that happen.

Atty. Ninowski stated if you think back on all of the suspension hearings that we have had, certainly we have not had one where the officers' duty status is suspended without pay and as I have said our position is that it has no bearing on it. It still takes you to the collective bargaining agreement and to the contract and to the under normal circumstance provision and to the Charter provision that gives the Chief the authority to suspend the duty status of an officer without pay when he or she is involved in an egregious conduct.

Comm. Blackwell, II asked once someone is suspended are he or she technically in the same position as someone who is not suspended? In other words, if a person is suspended does that mean that they're privileges are revoked, suspended or are they no longer a police officer?

Atty. Ninowski stated their authority as a police officer has been suspended whether it is a suspension with or without pay. Is that what you are asking me?

Comm. Blackwell, II stated no. In terms of if they act and now we are finding them based on their conduct as a police officer...

Atty. Ninowski stated I understand where you are going with this.

Comm. Blackwell, II stated if they are not a police officer and you suspend them because of their behavior as a police officer then that is a little dicee.

Chief Oliver stated the suspension with pay is our attempt because of what happens if you suspend them if you go to a Chief's hearing and you want to terminate somebody. As the Chair said you actually get up and go right back to work because the moment that you said that is the moment that they file an appeal and the appeal process allows them to go back to work and still represent us as a police officer. The suspension without pay is an attempt to say we realize where we are with this, we don't want you working and touching citizens on behalf of the Department. We want to suspend your privileges to work and represent us, but we have to get you out of here. We can't sit you behind the

desk because we don't trust you to be behind the desk either, so that's what the suspension with pay is. It could be interrupted as a vacation, but it really is we don't want you around here.

Atty. Ninowski stated General order 78-19 says even when your authority has been suspended, you are still subject to review by the Department. Your conduct is still subject to review by the Department and you are still to abide the rules and regulations of the Department.

Comm. Blackwell, II asked during the suspension?

Atty. Ninowski stated yes, during the suspension.

Comm. Blackwell, II asked how come the Department did not bring a suspension without pay in February?

Atty. Ninowski stated we may not have had notice that incident occurred.

Comm. Blackwell, II stated no, not that notice.

Atty. Ninowski stated I am talking about the incident that happened on February 9, 2002.

Chief Oliver stated she is talking about the other incident.

Comm. Blackwell, II stated you knew about the other incidents because that's why he was suspended with pay. He asked why wouldn't you just bring that as a suspension without pay because what this Board has set as a policy doesn't matter if it is a felony or misdemeanor, if you believe it is unbecoming of an officer that we are willing to act on it or not act on it.

Chief Oliver stated I don't recall all of the details.

Comm. Blackwell, II stated the Board is not making a judgement, but there should be some consistency in the suspensions.

Atty. Ninowski stated I think consistency is important. I think Chief Oliver was coming in the beginning of February 2002 and that is when the first incident occurred.

Comm. Blackwell, II asked is it pre-dated to...?

Atty. Ninowski stated it might have been contemporaneous with him arriving at the Department and I also know that a warrant request was never submitted to the Prosecutor's Office regarding the February 9, 2002, incident.

Comm. Blackwell, II asked what is your take Mr. Goldpaugh on if an officer is suspended relative to their authority?

Atty. Goldpaugh stated I agree that if an officer is suspended whether it is without pay indeterminately or whether it is because of some sort of disciplinary finding and he has been suspended for five days. During that period of suspension he is still subject to rules and regulations of the Department. He is not subject to all of them, but this type he would be. The problem with relying on the **Poullard** arbitration decision is that it did not address whether or not a individual who had not admitted to any type of wrongdoing should be suspended without pay. In the **Poullard** case Officer Poullard was originally suspended for felonies, those matters were not contested, I mean the suspension was not contested when that occurred. Once the criminal matter was resolved and Officer Poullard plead no contest to negligent homicide and OUIL, we requested that he be brought back to work because the basis for that suspension, the felony warrants no longer existed. The arbitrator in that case went into a long dissertation and find that even though there was no longer the felony, the suspension without pay would be warranted because there was a finding of guilt and then got into the egregious behavior. We don't have that here, we don't have any finding of guilt. We just have mere allegations. So **Poullard** has nothing to do with what we are talking about right now.

Comm. Blackwell, II asked did believe that regardless of the term of the suspension, it would be necessary for an officer to relieve their responsibility or their conduct as an officer?

Atty. Goldpaugh stated I agree with Ms. Ninowski in regards to what the General Order 78-19 says.

There were no contraventions to the above suspension.

CITIZEN COMPLAINTS RECEIVED

	<u>This Week</u>	<u>Year to Date</u>
Weekly Count of Complaints:	18	291
Weekly Count of Allegations:	27	487
Arrest	1	24
Demeanor	12	155
Entry	0	6
Force	1	37
Harassment	0	20
Procedure	9	150

Property	0	26
Search	1	23
Service	3	46

Pending Cases

As of April 2, 2003, the Office of the Chief Investigator (OCI) has a total of **271** pending cases, which include **166** cases with an age of 0-45 days, **39** cases with an age of 46-60 days, and **66** cases with an age of 61-90 days.

CLOSED CASES

There were **63** closed cases for March 2003.

2002

During the past week:	16	Year to Date:	255
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5. CHIEF'S REPORT

DETROIT POLICE DEPARTMENT **MIND'N OUR BUSINESS**

Board of Police Commissioners

The Detroit Police Department's mission is building a safer Detroit through community partnerships. Therefore, the following enforcement actions were conducted during the week of March 26th–April 1st, 2003:

ORGANIZED CRIME & GANGS DIVISION

The Narcotics South-East and Vice Sections conducted two enforcement actions that resulted in (1) felony and (13) misdemeanor arrests. These enforcement actions resulted in the confiscation of 31 grams of cocaine and 95 grams of heroin with a street value of \$183,400.00. There were (56) miscellaneous ordinances issued, \$589.00 in U.S. currency, and (2) handguns confiscated.

SIXTH PRECINCT

On March 27, 2003, officers of the 6th Precinct received a police run to the Apostolic Church, at 21446 Schoolcraft, on a "Breaking & Entering Alarm." The officers responded to the location and observed the subject attempting to flee on foot. After a brief foot chase, he was arrested without incident. Recovered were several items taken during the burglary.

NINTH PRECINCT

On March 29, 2003, officers of the 9th Precinct took a robbery report, which occurred at Maddeline and Brock. The officers canvassed the area and investigated a juvenile fitting the description of the wanted subject. As a result of their investigation, one 16-year-old juvenile was detained for "Robbery Armed," and a 22 revolver was recovered.

SPECIAL RESPONSE TEAM (S.R.T.)

During the period of March 26-31, 2003, personnel from the S.R.T. participated in the Detroit Fire Department HAZMAT Training, and the Regional Conference on Terrorism Awareness and Homeland Security. In addition, S.R.T. worked with the United States Customs Services, Department of Homeland Security, in searching cargo trains, which enter the country through the rail tunnel located between Lafayette and Howard, near Rosa Parks Boulevard.

Chief of Police Jerry A. Oliver, Sr.

6. PRESENTATION – DISCIPLINARY BACKLOG

DC Evans introduced Insp. John O'Neill and Sgt. Dale Greenleaf from the Disciplinary Administration Unit and stated that they will give a presentation called, "Disciplinary Backlog."

Insp. O'Neill and Sgt. Greenleaf gave the following disciplinary backlog statistics:

(See Attached)

Insp. O'Neill stated the process of scheduling a Trial Board is not an easy one.

Chairperson Norris asked do you have to have certain people of certain ranks?

Insp. O'Neill stated that is correct. You have to coordinate the schedules of three (3) commanding officers, two (2) inspectors, one (1) commander, two (2) attorneys (for each side), the defending officer and the officer in charge of the

case.

Chairperson Norris asked why do they get adjourned?

Insp. O'Neill stated there are various reasons; sometimes a defending officer has a court appearance, is on furlough. What we are concerned about is, many times they get adjourned because the defending officer has not been notified or the witnesses have not been notified, that is an immediate concern to us. We send out notices to the defending officer and witnesses and we rely on the commands to notify them. As far as non-department witnesses, it is the officer in charge of the case that notifies them. For department witnesses and defending officers, their commands notify them. The Risk Management Bureau is sponsoring a seminar on disciplinary procedures.

Chairperson Norris asked there any action taken against commanders, who don't notify the officers or witnesses.

Insp. O'Neill stated not at this time.

Chairperson Norris stated I recognize the overwhelming tasks that you have. We need to look at ways to push a numerous amount of disciplinary cases as quickly as possible because we get a lot that are about three or four years late.

Insp. O'Neill stated we have recently approached the Detroit Police Association (DPOA) as far as entering into some type of agreement as far as certain cases that are pending now. Their initial reaction was that they have agreed to meet with us starting next week.

Chairperson Norris stated that's great.

Insp. O'Neill stated we are going to assign personnel to the Disciplinary Administration Unit to review trial board files, weeks before the trial board.

Vice Chairperson Hampton asked are they cases of penalty action or things that would cause a suspension, do you try to expedite those or are they in contract standards?

Insp. O'Neill stated it is too early to tell what the parameter of those cases are, until we have meeting with DPOA.

7. REQUEST AUTHORITY TO APPLY FOR A GRANT

The Seventh Precinct has submitted an application for a **Traffic Enforcement Equipment Grant** in the amount of **\$4,995.00**, which will allow the Seventh Precinct to participate in a Law Enforcement Challenge sponsored by the

Michigan Office of Highway Safety Planning (MOHSP). The grant program was designed for law enforcement agencies throughout Michigan to step up their safety belt and drunk driving efforts. **There is no cash match.**

MOTION: Commissioner Norris made the motion to approve the Grant application.

SECOND: Commissioner Blackwell seconded the motion.

VOTE: All in attendance voted in the affirmative.

8. DISCIPLINARY APPEALS – APPEALS SUBCOMMITTEE

Vice Chairperson Hampton chaired the Appeals Subcommittee:

Chairperson Norris stated to Mr. Goldpaugh that his client gave the Commissioners an envelope of information regarding his appeal. Generally and procedurally we don't consider anything that is on the record. So if you have anything you would like to argue, you are more than welcome to do so, but I will place this on hold.

Atty. Goldpaugh stated that's fine, because I did not receive any of that information or I did not see what was in the envelope.

In the Matter of Disciplinary Appeal, **POLICE OFFICER CHARLES E. DUDLEY, BPC 02-006D**, D.P.O.A. Attorney John Goldpaugh represented the petitioner, Attorney Nancy Ninowski, City Law Department represented the Department. The Appeals Subcommittee took the matter under advisement.

In the Matter of Disciplinary Appeal, **POLICE OFFICER JAMES DUBOIS, BPC 02-008D**, D.P.O.A. Attorney John Goldpaugh represented the petitioner, Attorney Nancy Ninowski, City Law Department represented the Department. The Appeals Subcommittee took the matter under advisement.

9. OTHER BUSINESS

None.

10. ORAL COMMUNICATION FROM THE AUDIENCE

James Thompson stated he is an attorney, who is representing Ms. Malone and he would like for her to address the Board with an incident that occurred yesterday.

Brenda Malone stated she would like to know the procedures of how to file a complaint against an officer. I went to the Office of the Chief Investigator and the sergeant that was there...

Chairperson Norris asked at the Office of the Chief Investigator or Internal Affairs?

Ms. Malone stated no, I went to the eighth (8th) floor, not the eleventh (11th) floor. Once I told the Sergeant what the case was about, he then told me to go to the eleventh (11th) floor, which I didn't understand that because my complaint was concerning some that worked on the eleventh (11th) floor. He in turn had me and my witness have a seat in the hallway, at that time he told me he had to go upstairs for a minute and get Lt. Lawrence, at that junction, I told him no because Lt. Lawrence was part of the case. I did not want to talk to anybody up there because that was the purpose of me coming down there making the complaint to begin with and I didn't trust any of them at that point. At that point he went upstairs, came back downstairs and said, "you have to wait for the Chief Brown," and I said, "I just want to make the complaint, that's all I want to do." At that point, he took me into his office and he started with my complaint, during the course of my complaint, the officer who I was filing the case against, appeared down on the eighth (8th) floor and stare me in the face. He then proceeds to ask the sergeant for an officer that had been retired for two months, according to the sergeant. The officer went back upstairs. He continues to write my statement...

Chairperson Norris asked the sergeant?

Ms. Malone stated yes. As he was writing the statement, he paused in the middle of the statement. He didn't know who I was, I was there to make a complaint. The same thing that happened to me three years ago, happened to me yesterday. He immediately stopped while he was writing and in turn told me that Inspector Thomas he does this all of the time, he does this to all of his women. This is nothing new, he didn't know who I was, I he knew was that I was there to file a complaint, I was not there for a trial. He in turned told me you could forget it and any evidence will be hidden and they are going to turn on you. This all occurred while I was sitting there with a witness. He said they will probably have you come and talk, but that's as far as it will go.

Chairperson Norris asked do you know the sergeant's name?

Ms. Malone stated yes, Sergeant Arthur Divers and he took the report. I stated to him, so what you are telling me is that I am wasting my time. He said, "no, what I am saying to you is that the evidence would probably not come up. This is

what they do.” I told him that I was aware of that because they railroaded me three years ago and the same thing happened to me yesterday. She asked Chief Oliver, where do I go now to get help, I don’t trust them? Where do I go now for somebody to hear my complaint and investigate?

Chief Oliver stated you should talk to AC Tim Black, because the Professional Accountability Bureau reports to him.

Chairperson Norris stated I think that makes sense. I don’t know anything, but the specifics of your complaint. The reason why you might have been sent to Internal Affairs instead of the Office of the Chief Investigator, because if your complaint alleges any kind of criminal activity that is where the investigation would normally go. If you are uncomfortable with the people on the eleventh (11th) floor, they report to AC Black. AC Black is not from here, he has no ties or allegiance to anyone, except his boss. If what you are alleging is not criminal activity then the Office of the Chief Investigator is the right place to go. Mr. Sheard I am concerned about some of the allegations that I heard, I think you are going to have to go look into those because that is not the kind of behavior that we would be expecting of our folks. If it is appropriately in OCI’s shop, we could certainly have someone else look into it.

Ms. Malone asked when a citizen is making a complaint is the officer suppose to show up, while they are making the complaint?

Chairperson Norris stated no, I don’t know why that was.

Ms. Malone stated because I felt very intimidated.

Chairperson Norris advised Ms. Malone to talk to AC Black and if it appears that it is not appropriately in your shop, we will make sure that we have someone that could probably handle that.

Edith Payne stated that her daughter-in-law and grandchildren were being harassed by a neighbor, who was carrying a machete knife in her apartment building on the same floor. She then called the police department and there was still response after an hour. My daughter-in-law called me and told me what happened. I then called the Lt. Moore, a commanding officer at the 10th Precinct and told him the situation. After I talked to Lt. Moore about 2 minutes later an officer responded and took the complaint. She asked is there a priority response for calls that involve women and children?

Chairperson Norris asked when you went to the 10th Precinct did they take your complaint regarding this incident?

Ms. Payne stated we did not physically go to the 10th Precinct, we called on the phone.

Chairperson Norris asked do you know whether they took the complaint?

Ms. Payne stated they took the information.

Chairperson Norris stated because we have dispatch tapes and 911 tapes, we could pin down when calls were made and where were scout cars at the time. She asked Interim Chief Investigator Sheard if he could get Ms. Payne's information after the meeting.

Chief Oliver asked did you actually call the police department or did your daughter-in-law call the 10th Precinct?

Ms. Payne stated I am not sure if she called 911 or the 10th Precinct. She lives four (4) blocks from the 10th Precinct. After I spoke with her, I immediately called 596-1000 and asked for the officer in charge.

Chairperson Norris stated for future reference, all cars are dispatched out of 911, so if you call the Precinct they have to call 911. Even though it seems like the precinct is across the street that's not always the fastest way.

Ms. Payne stated I understand the process. The fact that it took over an hour on a Sunday morning, I just thought that was too much time, especially when she said there was women and children on this floor and still no one came.

Ron Scott stated it is ironic that the Seventh Precinct has applied for a grant, given that there had been three crashes in that area. He asked if the Board could give some consideration as to some evaluation when these grants are done regarding how citizens may be affected adversely by virtue of increased traffic stops and how the department of officers would be handled in those situation.

Chairperson Norris stated I think we look at traffic stop issues from a lot of different angles. As you know, this Commission advocated for the video cameras in the car because we received numerous amounts of traffic stop complaints. The Commission generally does not get into, unless there appears to be a problem an issue of how our law enforcement officers specifically enforce various laws on any given day of the week.

Mr. Scott asked what has happened with the case of the individual that was mentally ill? How is the Board dealing with cases that involving the mentally ill?

Chairperson Norris stated not only is the investigation ongoing. The investigation is including all steps of the process and not just the shooting itself. The investigation is already looking into from a policy standpoint, a training standpoint, disciplinary standpoint and from every standpoint that you could think

of. I don't think that we are at the point that any conclusions have been reached. I have already had communications from the Chief about the various issues that are on the table and I can assure you that they are being closely looked at.

Mr. Scott stated we have compiled over the last six years, relatively to these matters as to how other municipalities handle these and some suggestions that we have made and other items that we would be happened to share with you.

Ms. Walters stated the police department should educate citizens on what they should do during the chase, such as how to move to different lanes and etc. She also stated that officers, who cause accidents during police chases, should have to pay for the damages that they cause because it is not fair for the taxpayers to pay for their mistakes.

Phillip Craccioholo asked in regards to these figures, what is the percentage of personnel that this covers?

Sgt. Greenleaf stated 20%.

9. ANNOUNCEMENT OF NEXT MEETING

Thursday, April 10, 2003 @ 6:30 p.m.
Wayne County Community College (Eastern Campus)
5901 Conner
Detroit, Michigan 48213
(313) 579-3311

10. ADJOURNMENT

Meeting was adjourned at 5:00 p.m.

Respectfully Submitted,

DANTE' L. GOSS
Executive Director
Board of Police Commissioners

DLG/kdw

Vice Chairperson Head stated the following Standing Committees will be Chaired and Co-Chaired by the following Commissioners:

Citizens Complaints

Disciplinary Appeals

Promotional Appeals

Budget

Legal Affairs

Labor Relations

Personnel & Training

Vice Chairperson Head stated the Special Committees will be Ad Hoc. They are Residency, Building & Construction, Standardization of Discipline and the Labor Negotiations will be assigned as needed.